

Aug-22-05

04:08pm

From:ALSTON & BIRD LLP

RECEIVED
CENTRAL FAX CENTER

704 444 1111

T-944

P.001/002

F-786

AUG 22 2005

This facsimile message and its contents are legally privileged and confidential information intended solely for the use of the addressee. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, copying or other use of this message and its contents is strictly prohibited. If you have received this telecopy in error, please notify us immediately by telephone and return the original message to us at the address shown below via the Postal Service. Thank You.

ALSTON & BIRD LLP

101 South Tryon Street, Suite 4000

Charlotte, NC 28280-4000

704-444-1000

Fax: 704-444-1111

TELECOPY**PLEASE DELIVER AS SOON AS POSSIBLE****Date:**

August 22, 2005

Recipient:

Mail Stop 16

Company:U.S. PATENT AND TRADEMARK
OFFICE**Fax Number:**

(571) 273-8300

Voice Number:**Sender:**

Ernest B. Lipscomb, III

Message:**Application No. 09/560,288****RECEIVED**
OIPE/IAP**REQUEST FOR REFUND****AUG 23 2005****Number of Pages: (including cover page)****2****IF NOT RECEIVED PROPERLY, PLEASE NOTIFY US IMMEDIATELY AT .**

USER CODE: LIPSE	REQUESTED BY: Jan Sherrill - 1163
CLIENT/MATTER: 038151/195944	OPERATOR:

CJ T01/4694457v1

Aug-22-05

04:08pm

From:ALSTON & BIRD LLP

RECEIVED
CENTRAL FAX CENTER
AUG 22 2005

T-944 P.002/002 F-786

Attorney's Docket No. 038151/195944

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Hanley et al.
Appl. No.: 09/560,288
Filed: April 17, 2000
For: METHOD USING HUMAN INTERVERTEBRAL DISC CELLS

Confirmation No.: 3083
Group No.: 1647
Examiner: Robert Clinton Hayes

MAIL STOP 16
Director of the US Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND

1. **REFUND REQUEST:** This is a request for a refund of \$730.00 as indicated on the attached copy of Check No. 00000769, dated May 9, 2005.
2. **EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR:** The Issue Fee, Publication Fee and Advance Copies totalling \$730.00 were paid on May 9, 2005 and an Office Action was issued on August 9, 2005 withdrawing the allowance because of a new reference that was found.
3. **MANNER OF REFUND:** Please make refund by crediting our Deposit Account No. 16-0605.

Respectfully submitted,



Ernest B. Lipscomb, III
Registration No. 24,733

CUSTOMER NO. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office, Fax No. (571) 273-6500 on the date shown below.



Jane F. Sherrill

August 22, 2005

Date